IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 204 of 2005 (S/B)

Rajeev Kumar Pathak,
S/o Late K.C. Pathak,
R/o 56, Uppar Gali, Jakhan Devi,
District Almora. … Petitioner

Versus

1. State of Uttaranchal
through Secretary of Veterinary,
Govt. of Uttaranchal, Secretariat, Dehradun.
2. Additional Secretary of Veterinary,
Govt. of Uttaranchal, Secretariat, Dehradun.
3. Additional Director of Veterinary,
Gopeshwar, District Chamoli.
4. Harsh Mohan Singh,
Pashudhan Prasar Adhikari,
Presently working at Pashu Sewa Kendra,
Senay, District Pauri.
5. Pankaj Badoni,
Pashudhan Prasar Adhikari,
Presently working at Pashu Sewa Kendra,
Kukut Pachatra Pashulok, Rishikesh,
District Dehradun.
6. Harish Negi,
Pashudhan Prasar Adhikari,
Presently working at Pashu Sewa Kendra,
Latte, District Chamoli.
7. Vice Chancellor,
G.B. Pant University of Agriculture and Technology,
Pant Nagar, Uttaranchal.
8. Chief Veterinary Officer, Almora. … Respondents

Mr. N.S. Pundir, Advocate for the petitioner.
Mr. K.P. Upadhyaya, Standing Counsel for the State of Uttaranchal.
Mr. Rajendra Dobhal, Advocate for respondent No. 7.

Coram: Hon. Cyriac Joseph, C.J.
Hon. J.C.S. Rawat, J.

JUDGMENT

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioner is a Livestock Extension Officer who seeks admission to the Bachelor of Veterinary Science and Animal Husbandry Course of the G.B. Pant University of Agriculture and

Technology for the year 2005-2006 in one of the five seats set apart for the candidates sponsored by the Government of Uttaranchal. According to the petitioner, though he is eligible for admission and entitled to sponsorship on the basis of his seniority in the cadre of Livestock Extension Officers, he was illegally and unjustly denied sponsorship by adopting a method of selecting the candidates on the basis of merit on the basis of certain criteria fixed by the respondents. It is contended that the selection of candidates should have been made on the basis of seniority among the eligible applicants.

2. An identical question was considered by us in Writ Petition No. 781 of 2005 (M/B) and in the judgment dated 08.09.2005, the following orders / directions were issued by this Court:

> "i. Annexure 10 Government letter / order dated 21.07.2005 is quashed to the extent it nominates respondents Nos. 7, 8 and 9 as candidates sponsored by the State Government for admission to the BVSc and AH Course of the University for the year 2005-2006. It is made clear that the nomination or admission of Sri Dinesh Kumar will not be affected by this judgment.
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> ii. Respondents Nos. 1 to 4 are directed to nominate / sponsor candidates for the remaining four seats on the basis of seniority of the eligible applicants in the cadre of Livestock Extension Officers. Since the Course has already started, the nomination / sponsorship shall be made within one week from today.
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> iii. Since it is not disputed that the rules of reservation are applicable to the selection of candidates for sponsorship, the respondents shall apply the rules of reservation correctly.
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> iv. It will be open to the Government to deny nomination / sponsorship to a senior applicant, if any disciplinary proceeding is pending against him or his service records show that he is unsuitable for promotion to any higher cadre.
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> v. Since the Course has already started and there will be some more delay in admitting the candidates sponsored by the Government of Uttaranchal, the 10th respondent is directed to condone the delay, if any, in taking admission by the sponsored candidates.

vi. The first respondent is directed to issue necessary orders laying down the method and criteria for nomination or selection of candidates sponsored by the Government for admission to the BVSc and AH Course of the University in future."

3. This writ petition is also disposed of in terms of the judgment in Writ Petition No. 781 of 2005 (M/B).

(J.C.S. Rawat, J.) **(Cyriac Joseph, C.J.)**
08.09.2005 **08.09.2005**

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